

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OCT 31 1983

Gerald Pade  
Research Associate  
Friends of the Earth  
4512 University Way Northeast  
Seattle, Washington 98105

Dear Mr. Pade:

You wrote to me on September 26, 1983 (letter received September 30) raising a number of questions regarding the proposed regulation to control arsenic air emissions from the ASARCO smelter in Tacoma, Washington. The regulation was proposed by the U.S. Environmental Protection Agency last July under provisions of the Federal Clean Air Act.

I apologize for the delay in my response. I realize that it is not timely in relation to the hearings this week in Tacoma, but the period for submission of written comment runs through December 10, and I encourage you to take advantage of that opportunity. Also, I appreciated the opportunity to discuss this with you by phone today.

The first five (5) questions and Question No. 9 pertain to EPA's understanding and/or approach to the various health issues associated with exposure to arsenic. After review and consultation with EPA Headquarters officials and health experts, I conclude that these issues are covered extensively or to the best of the Agency's ability in materials contained in the official docket on the proposed regulation. Copies of the docket are available here in this office and at other locations for your use. Any attempt on my part to summarize these lengthy and complex issues could mislead, and I would prefer that you rely on the official docket.

Questions 6 and 7 pertain to the form or substance of the arsenic regulation. Questions 8 and 10-14 pertain to the approach EPA has used in this regulatory effort, asking essentially for my opinion regarding the propriety of EPA's approach. I am not in a position to speculate on the form or substance of the final regulations (Questions 6 and 7), and I do not feel that any personal

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opinions I may have regarding the Agency's approach would be particularly useful to you. The opinion that is most important to EPA at this stage in the proceeding is yours. Thus, I urge you to make a written submittal to EPA, raising these questions and clearly stating the position of your organization if you have one. They will be considered in the course of the decision process and addressed in the final documents on the regulation.

Sincerely,

Clark L. Gaulding, Chief  
Air Programs Branch

~~cc: Jackson, WBOE~~

bc: Bob Ajax, w/incoming  
Docket, w/incoming



## FRIENDS OF THE EARTH

Mr. Clark Gaulding  
Region X EPA  
1200 Sixth Ave S.E.  
Seattle, WA 98101

SEP 30 1983

Sept. 26, 1983

Dear Mr. Gaulding,

We are submitting this list of questions to you in order to aid in our preparation of testimony for the upcoming hearing on the arsenic emission standard proposed by the EPA. If you are unable to respond to our questions please notify us why you cannot. We appreciate your help on this issue and thank you for your time.

- 1) What levels of airborne arsenic have been shown to be carcinogenic? Which studies are being used and when were they taken?
- 2) Is this level being exceeded at present on an hourly, daily, or any other basis? If so, how often and where?
- 3) Is EPA concerned also about potential birth defects? What about similar problems with the native habitat-- fish and wildlife?
- 4) Should epidemiologic studies of workers at ASARCO be used by EPA to make a risk assessment for the surrounding population? Is the linear regression model appropriate?
- 5) Is there a statistical distribution for the susceptibility to the formation of cancer? If so, is there therefore also a statistical distribution of thresholds to arsenic exposure for different individuals?
- 6) If the EPA adopts an operational ambient air quality standard for arsenic, where on the distribution curve would EPA draw the line? 1 in 1000, 1 in 100,000, 1 in 1,000,000? What about wildlife?
- 7) Are emission standards appropriate as a means of protecting the public?--After all, it is the ambient air quality which is directly related to public health, and most necessary in trying to correlate exposure to arsenic concentrations found in the urine and blood.
- 8) Has the total tonnage of arsenic and/or other pollutants emitted by the ASARCO- Tacoma smelter been calculated or estimated for its 93 years of operation?
- 9) How long will the residual wastes continue to be a health hazard even if the plant is closed down?
- 10) Should the EPA be asking the public what risk they are willing to accept, based upon their faulty risk assessment model? Jobs vs. health?

Northwest office, 4512 University Way NE, Seattle, Washington 98105, (206)633-1661

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11) Should the EPA be concerned about costs or the efficiency of control devices ASARCO installs? Is BAT meant to protect the public or the economic well-being of the industry?

12) Is cost/benefit analysis valid when only the costs to industry are easily defined in economic terms-- dollars and cents?

13) Are cost/benefit analyses valid when the populations involved with the costs and the benefits are separate?

14) By using the BAT approach to emission control, hasn't the EPA created a defacto air quality standard anyhow? And since the same BAT is applied to both low and high feed arsenic copper smelters, hasn't the EPA created two margins of safety for the public?

Again we thank you for your cooperation with this problem and will be in touch with you in the future.

Gerald Pade,  
Research Associate with FOE

*Gerald S. Pade*